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IN COMMON COUNCIL,

May 31st, 1830.

The Special Committee to whom was referred the Resolutions of Alderman Stevens, relating to the supply of Water by the Manhattan Company, presented the following Report, which was laid on the table and directed to be printed for the use of the Members, together with the Resolutions of Ald. Stevens and the Resolution of the Senate.

J. MORTON, Clerk.

Resolved, That it be referred to a Special Committee to enquire and report,

If the Manhattan Company are under any obligation to pay for the use of the Streets, or to make good the damage which the Company have done to the pavements since the last award on this subject in favor of the Corporation.

And whether the Manhattan Company had the right to cut off and discontinue the fire-plugs which were introduced into the pipes, and which have been always heretofore used for the extinguishment of fire,

And whether the Corporation ought, without any allowance for the injuries done by this Company, to submit to the new exaction, now for the first time laid on the public, in a demand for the payment of money for the water used for the extinguishment of fires.

And lastly—Whether this Company chartered for the sole and express purpose of introducing into the city pure

and wholesome water, and having enjoyed a valuable consideration in Banking privileges claimed in perpetuity, have fairly or substantially complied with the conditions of their Charter.

The Special Committee to whom was referred the annexed resolution in relation to the concerns between the Manhattan Company and the City, beg leave to

REPORT :

That the Legislature in April, 1799, chartered an association of Gentlemen by an Act entitled, "An Act for supplying the City of New-York with pure and wholesome water," and the Legislature in the preamble to the said act, remark, "that with a view to encourage their laudable undertaking which promised, under the blessings of God, to be conducive to the future health and safety of the inhabitants of the said city," they did charter the said Company with a capital of two millions of dollars. The said company and their agents under this charter had the right to enter on the private property of individuals, erect dams across any streams of water or rivers, build reservoirs, canals and aqueducts for the introduction of pure and wholesome water into the city; and the company were, within ten years after the passing of the said act, to furnish and continue a supply of pure and wholesome water to all such citizens as would agree to take it on the terms of the company.

The object to be obtained by our citizens under the blessing of God, was the *health* and the *safety* of the city; objects certainly to which the private rights of individuals might well be made subservient.

With this charter, unlimited in duration, the company soon commenced operations, not by bringing into the city the *pure* and *wholesome* water of the Croton or the Bronx, or that of any other source, adjacent to the city, but by digging a well some 30 or 40 feet deep on the borders of the collect, and in the heart of the city; and this water has up to about

the present time been supplied, principally, through pine logs, and even this supply not extended over one third part of the paved and built upon parts of the city.

Several questions arise :—Was the digging a well at or near the collect, the undertaking promised and contemplated by the company? If so, a much less amount of capital was required, and if *pure* and *wholesome water* was to be found in the populous parts of the City, then the common wells would have produced it, and if water was not to have been brought from abroad, why all the provisions of diverting rivers and streams, erecting dams and reservoirs?

But if the company had the right to procure their water from a populated part of the city, and a pretty filthy one too, they certainly were by the first act creating their company, bound, within ten years, to supply water of a quality *pure* and *wholesome*. That water is supplied of this quality, it is believed none will contend. In fact the use by our citizens of the water from the street wells, and the purchase of water from cartmen who carry it through the city, may be considered strong evidence of the estimation which the water is held in by them.

The safety of our city (against fires it is presumed) is the next grand inducement held forth, and, under the like blessing of Providence, promised to the community, and it is proper to enquire how far this part of the undertaking of the company has been complied with.

It is admitted that the company from its commencement to lay their wooden pipes, caused certain erections to be made, called fire-plugs, by which the fire engines could have access to the water in the wooden pipes, and the Fire Department had access to and used this water, until the last year or two, at which time the Manhattan Company commenced laying down iron, in the place of wooden, pipes. And they have not continued to furnish the plugs to the pipes but have discontinued all those which were heretofore used, so that all streets, where the iron pipes are laid down, have no access to the water for the extinguishment of fire, and these streets or the buildings thereon, have become much exposed.

This company in laying down their pipes have, (and perhaps from necessity) much injured the streets, and the Corporation had awarded them many years since, \$5,500 for such damage then done by the Manhattan Company, since which time the Corporation have not received any reparation for the damage, or compensation for the use of the streets, but the company on their part, until lately, have, at their expense, furnished the fire-plugs connected with the pipes and the water, without charging the Corporation for the same. But a new claim is now set up; that we furnish the use of the streets gratis, that we make good the damage to the pavements—be at the expense of the fire plugs or hydrants; and also pay some two or three thousand dollars to keep the water in the reservoir at night. These demands of the company bring up the whole subject for the consideration of the board.

It will be found that the pipes of the Manhattan Company, if we had free access to the water, furnish no security against fire for the most exposed parts of the city, for these pipes do not extend higher up than Spring-street, and in most parts of the city not near so high up. The consequence has been that the old system of pumps has, of necessity, been continued at the corners of most of the streets.

That public cisterns at a great expense have been put down as a security against fire, and the Corporation have also been obliged to sink the well, build the reservoir in Thirteenth-street, and lay down the pipes for security against fire for the upper part of the city. The last plan alone will probably cost the city \$100,000. In addition to this it may be mentioned that the report of the Water Committee recommended the introduction of water, (the object for which the Manhattan Company was chartered,) at an expense to the city of two millions of dollars. Now if this company has performed the objects of its charter—the introduction of *pure and wholesome water*, then we are not required to make the expenditure referred to. And if they had supplied us with water, as a security against fire, then our citizens would not have lost by this element rising

\$600,000 in one year, neither would they have been put to the expense of the establishment erecting in Thirteenth-street.

Your Committee remark, that until the powers of the Manhattan Company relating to the introduction of water, are either limited, or stricken out of the charter, it would be improper for the Corporation to undertake to procure for our citizens the great public blessing set forth in the preamble of the charter of that company, the *health* and *security* of this great metropolis. And as the Senate on the petition of Edward Genet, referred these matters among others, to the Attorney General, to take such proceedings against the company as he may deem legal and proper;

Therefore your Committee offer the following resolution :

Resolved, That the Counsel of the Board furnish the Attorney General with such proofs as he may be able to procure, showing that the Manhattan Company have not complied with the professed objects and intentions of their charter, so far as the introduction and supply to our citizens of pure and wholesome water is concerned, nor so far as relates to the free use of the water for the extinguishment of fire.

All which is respectfully submitted.

SAMUEL STEVENS,
BENJAMIN M. BROWN,
THOMAS T. WOODRUFF,
HENRY ARCULARIUS,
BERNARD J. MESEROLE.

STATE OF NEW-YORK:

IN SENATE, April 20th, 1830.

Resolved, That the petition of Edmund C. Genet, relative to the Manhattan Company in the City of New-York, be referred to the Attorney General, with directions that he examine the matters contained in the said petition, and take such proceedings thereon as he shall consider to be legal and proper.

By order.

JOHN F. BACON, *Clerk.*